

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CONTINENTAL RESOURCES, INC., AN OKLAHOMA CORPORATION,
Plaintiff-Appellee,

v.

NORTH DAKOTA BOARD OF UNIVERSITY & SCHOOL LANDS,
Defendant-Appellee,

and

UNITED STATES OF AMERICA,
Defendant-Appellant.

Appeal from the United States District Court for the District of North Dakota
No. 1:17-cv-14 (Hon. Daniel L. Hovland)

**APPELLANT UNITED STATES OF AMERICA'S
STATEMENT OF ISSUES**

Appellant United States of America provides the following statement of potential issues:

1. Did the district court err in concluding that 28 U.S.C. § 2410(a) waived sovereign immunity over this action?

2. Did the district court err in concluding that state law was relevant to determining the boundary between the historical Missouri riverbed and federal land (whether the federal land had always been owned by the United States or the land had been patented and reacquired by the federal government)?

May 25, 2023
90-1-18-14894

s/ Michelle Melton
MICHELLE MELTON
Attorney
Environment & Natural Resources Division
U.S. Department of Justice
PO Box 7411
Washington, DC 20044
(202) 532-3251
Michelle.melton@usdoj.gov

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I certify that service of the foregoing will be accomplished via the CM/ECF system.

s/ *Michelle Melton*

MICHELLE MELTON

Counsel for Appellant